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v. *The Railroad*, he omits to cite the very interesting case of *Wald v. P. C. C. and St. L. R. R. Co.*, 60 Ill. App. 460; 162 Ill. 551, where the Court in its opinion clearly maintains the contrary doctrine on the point of proximate cause, although it finally distinguishes the case on the ground of deviation.

Sections 257-268 dealing with the origin and general nature of the common carrier's liability follow the commonplace lines of the earlier work and make no mention of the researches of Mr. Justice Holmes (*Common Law*, pp. 180-205) and Professor Beale, 11 *Harvard Law Review*, pp. 158-168.

In section 540, we find the unqualified statement that "It has been ruled where a passenger who buys a railroad ticket of the authorized agent, believing in good faith that it is genuine and issued rightfully, tells the conductor so, the latter is bound to take such facts as true." (Citing only *Hufford v. Grand Rapids Railroad*, 53 Mich. 118, a case which it is submitted stands for an entirely different proposition, viz.: that the passenger who uses good faith may safely stand his ground in case "there was nothing on the face of the ticket which would apprise him of any infirmity in it," and following section 635 of the earlier work with the omission of one word.) See cases contra and qualifying, collected McClain, *Cases on Carriers*, pp. 694-708; Hale, *Carriers*, section 109; Hutchinson, *Carriers*, section 580j.

In section 553 in discussing the rights of a passenger against the carrier on account of mistreatment at the hands of the servants of the carrier it is said, following the wording of the earlier book, section 644, "If the general doctrine of master and servant may be said to apply here, it applies with a very strong bias against the master, even where the servants' acts appear to be aggressive, wanton, malicious, and, so to speak, such as one's strict contract of service or agency does not readily imply". And in the following sentence the learned author goes on to further discuss the questions arising out of offensive conduct towards passengers on the part of employees of the carrier in the "usual line of duty". Yet in the immediately preceding sentence he merely alludes to the duty imposed on the carrier of protecting his passengers from misconduct on the part of his own employees which would seem to dispose of practically all cases of injury inflicted on passengers by the employees of the carrier without any reference to the ordinary doctrine of agency. See Hale, *Carriers*, p. 523.

Passages could be multiplied indefinitely to show that the vices as well as the virtues of the earlier work are preserved untouched. If there has been any material improvement in the treatment of any topic we have failed to notice it. The former work was a reasonably good book as law books go. The present volume is a briefer but not a better book.

REVIEWS TO FOLLOW:

A TREATISE ON THE LAW OF AGENCY. By W. L. Clark and H. H. Skyles. Two vols. St. Paul: Keefe-Davidson Co. 1905. pp. liv, 2178.

JESSUP'S SURREGATE PRACTICE. Second Edition. Two vols. New York: The Banks Law Pub. Co. 1903. pp. xv, 1824.

CONSTITUTIONAL LAW IN ENGLAND. By E. W. Ridges. London: Stevens & Sons. 1905. pp. xxxii, 459.